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HONOURABLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO:22337 of 2004

DATED: 27-12-2007

Between:

1. G.Jagannath and 3 others

..... PETITIONERS

AND

1. Government of Andhra Pradesh, rep.by its Principal Secretary, Revenue (Endowments-II) Department, Secretariat, A.P., Hyderabad, and 3 others.

.....RESPONDENTS

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ORDER:

This is a writ petition filed by the petitioners seeking a direction to call for the records pertaining to and connected with G.O.Ms.No.510 Revenue (Endowments.II) Department, dated 31-07-2004 from the respondents and quash the same by declaring it as arbitrary, illegal and against the principles of natural justice.

The petitioners alleged that they are the residents of Zaheerabad. An extent of Ac.10.00 gts. situated in Sy.No.305 belonging to Leprosy Investigation and Treatment Centre, Zaheerabad, was proposed to be sold for establishment of Viswamanava Dharma Prachara Sangham other than by way of public auction on payment of market value as fixed by the Government. The Government issued G.O.Ms.No.510 Revenue (Endowments.II) Department, dated 31-07-2004. The Assistant Commissioner, Medak, has requested to accord permission for the sale of the above land to Sri Dattagiri Maharaj Ashramam, Bardipur, Medak District, at the market value of Rs.2,25,000/- (25% more than the market value of Rs.1,80,000/- given by Mandal Revenue Officer) per acre duly issuing a notification calling for the objections and suggestions and if no objections are received within the stipulated time. The Commissioner, Endowments, has also mentioned that Maharaj Sri Vyragya Shikhamani Avadhuthagiri Maharaj has also given consent and willingness to pay the amount of the market value of the land in question.

In view of the above facts, the Commissioner, Endowments Department, has requested the Government to re-examine the matter and issue orders permitting to sell the land in question in favour of Dattagiri Maharaj Ashramam, Bardipur, Medak District, other than by public auction as suggested by the Assistant

Commissioner.

The Government after careful examination issued the said GO permitting to alienate the property at the rate of Rs.2,25,000/- per acre duly issuing a notification after calling for the objections, if any, and after fulfilling certain conditions.

The petitioners in pursuance of the calling for objections submitted a representation on 26-09-2003 to the respondents 2, 3 and 4 requesting to allot the said land in their favour by offering to pay 20% more than the market value fixed by the Sub-Registrar and Mandal Revenue Officer for running educational institutions. During the pendency of the said representations, the petitioners learnt that the first respondent has issued an order dated
31-07-2004 confirming the sale of the land in question to Vyragya Shikhamani Avadhuthagiri Maharaj on payment of Rs.2,25,000/- which is 25% more than the market value without calling the petitioners for any negotiations. The petitioners further contended that they offered to pay 20% more than the market value whereas Vyragya Shikhamani Sri Avadhuthagiri Maharaj offered to pay only the market value towards the same. Though the petitioners quoted higher rate their representations were neglected and confirmed the sale in favour of Vyragya Shikhamani. The respondents have not called for any negotiations and have confirmed the sale behind their back with an observation that Vyragya Shikhamani Sri Avadhuthagiri

Maharaj expressed to pay 25% more than the market value. The said rate was confirmed without giving the petitioners proper opportunity to participate in the negotiations.

The respondents have not filed any counter. Perused the record.

As seen from the record, it is noticed that the petitioners have offered only 20% more than the market value towards the sale consideration whereas Vyragya Shikhamani Sri Avadhuthagiri Maharaj has offered 25% more than the market value, therefore, it cannot be said that the respondents have accepted the lesser value than the value offered by the petitioners. When an offer was made the petitioners ought to have quoted more value than the value offered by Avadhuthagiri Maharaj, but they quoted only 20% more than the market value. If the respondents feel that the Avadhuthagiri Maharaj has offered more amount, they are at liberty to accept the offer without any further negotiations and the confirmation of the sale in favour of Avadhuthagiri Maharaj is only after following the procedure prescribed under the Rules and the question of accepting the value offered by Avadhuthagiri Maharaj behind the back of the petitioners does not arise. There is no violation of principles of natural justice as the petitioners were also given an opportunity by way of public notice to offer their rate for purchase of the land.

In the light of the above circumstances, I do not find any illegality or arbitrariness in the order passed by the respondents and I do not find any merits in the writ petition.

Accordingly, the Writ Petition is dismissed. No order as to costs.

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27th December, 2007

SKM